

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

HANS W. KALLENBERGER

COMPLAINANT

vs.

HENRY COUNTY WATER DISTRICT #2

DEFENDANT

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) CASE NO. 96-479
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O R D E R

On October 8, 1996, Hans W. Kallenberger filed a complaint against Henry County Water District #2 ("Henry #2") regarding a sub-meter which had been installed on his water line. On October 15, 1996, the Commission directed Henry #2 to satisfy or answer the complaint. Henry #2 filed its answer on October 25, 1996, asking that the complaint be dismissed. As further proceedings were necessary, the Commission on March 12, 1997 issued an information request to the parties. Responses have been received. From those responses, it appears that Hans W. Kallenberger is not the owner of record of the property on which the master meter is located, nor is he the customer of Henry #2 to which service is provided at that location. Chevalier, Inc. is in fact the owner of record of the property, while Black Forest Riding Academy, Ltd. leases the property from Chevalier, Inc. and is the customer to which Henry #2 provides service. While Mr. Kallenberger owns 50 percent of both companies, is the general manager of both, and a director and an officer of both, he does not have standing to file this complaint as he is not the direct party in

interest. He is neither the owner of the land on which the master meter is situated, nor the customer of Henry #2 who receives water through the master meter.


Pursuant to KRS 278.260(1), a party filing a complaint must be directly interested or affected by the rates or service related matter that is the subject of the complaint. Furthermore, 807 KAR 5:001, Section 12(2), requires complaints by corporations or associations, or any other organization having the right to file a complaint, to be signed by its attorney. Therefore, if Mr. Kallenberger wishes to continue to pursue this matter, he is hereby advised that the complaint should be amended to reflect the proper party as the complainant. Furthermore, the Commission, on its own motion, HEREBY ORDERS that an informal conference, for the purpose of discussing the issues involved herein, shall be held on July 10, 1997 at 10:00 a.m. in Conference Room 2 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky.

Done at Frankfort, Kentucky, this 13th day of June, 1997.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director